



# City of Salisbury – Wicomico County

DEPARTMENT OF PLANNING, ZONING AND COMMUNITY DEVELOPMENT

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DIRECTOR OF ADMINISTRATION

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## MINUTES

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The Salisbury-Wicomico Planning and Zoning Commission met in regular session on May 17, 2018 in Room 301, Council Chambers, Government Office Building, with the following persons in attendance:

### COMMISSION MEMBERS:

Charles "Chip" Dashiell, Chairman  
Scott Rogers  
Marc Kilmer  
Mandel Copeland  
James McNaughton  
Jack Heath, Absent  
Jim Thomas

### CITY/COUNTY OFFICIALS:

Anne Roane , Infrastructure and Development Department  
Henry Eure, Infrastructure and Development Department

### PLANNING STAFF:

Gloria Smith, Planner



The meeting was called to order at 1:31 p.m. by Mr. Dashiell, Chairman.



### MINUTES:

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission **APPROVED** the minutes of the April 19, 2018 meeting as submitted. Dr. McNaughton abstained.



**SP-1801 PUBLIC HEARING – TEXT AMENDMENT SALISBURY MUNICIPAL CODE** – To amend the Definition of a Multi-Use Facility and To add Multi-Use Facility as a Permitted Use in the Light Industrial District – Devreco Glen, Inc, represented by Robert Taylor, LLC.

Mr. Robert Taylor and Mr. Chris Gilkerson came forward. Ms. Anne Roane read the public hearing notice. Mrs. Smith administered the oath.

Ms. Roane summarized the Staff Report and explained that the applicants propose a Text Amendment to the Code to add the following language:

**“Multi-use Facility”** – means two or more similar or different uses on a lot or parcel that are conducted in physically separate areas and permitted inherently or otherwise in the district in which located, provided that the lot or parcel and improvements thereon satisfy the total parking, lot area and other requirements of the uses; the facility shall not be deemed to be a shopping center; if the total floor area of the uses in which the principal activity is on-site retail sales does not exceed one-third of the gross floor area of the entire facility.

Ms. Roane explained that the Staff believes this would provide a bridge to redevelopment for some large industrial buildings that are no longer used for the original purpose of their construction. A multi-use facility is not currently permitted in the Light Industrial District. She read the definition of a multi-use building and the current definition of a shopping center. She discussed the provisions for on-site parking. She added that this would allow for adaptive re-use of buildings and recommended that the Commission forward a Favorable recommendation to the Mayor and Council for approval of the proposed amendments.

Mr. Taylor explained that they originally pursued a Condominium and were still working on that. It came to their attention that the property could be deemed a “shopping center” and explained the current Code definition.

He explained the subjective test for a shopping center: area planned as an operating unit, trade area, and common parking, etc. Ms. Roane and Mr. Eure had some concerns about deeming this use a shopping center.

He continued that the owners plan to document this as a Condominium and develop the site with multi-uses. There is a potential buyer for about 30 percent of the building. The rest will be developed based on market demand.

He explained that they had discussed how to address this: Code change or Interpretation. An Interpretation could change with the change of City Staff or changes to the membership of the Commission. A Code change will impact this building as well as others in the future. The current multi-use building goes up to 15,000 sq. ft. There were concerns about deeming the use a shopping center. The first user is not dependent on the Code change. They want to be able to have more than one use and more than one owner.

Mr. Dashiell commented that he thought there had been some ambiguity with the multi-use buildings.

Mr. Taylor discussed a scenario of renting space in an existing office. It meets the "shopping center" test but not the "planned as a unit" test.

Ms. Roane commented that with the way uses and technology are changing, she expects that we will see more adaptive re-use. The Staff wants to be able to approve those requests.

Mr. Thomas asked about the total square footage of the building. Mr. Gilkerson explained that it was 144,000 sq. ft. with a mezzanine level making about 160,000 sq. ft.

Mr. Dashiell commented that this was a text amendment without knowing all of the places where it may ultimately apply.

Ms. Roane discussed spot zoning and the areas that could be affected. She also discussed rezoning of the property and the "Change or Mistake" rule. Staff believes that this is a better approach.

Dr. McNaughton asked if it would create loop-holes. Ms. Roane said no, that the Staff thought that it would close some.

Mr. Taylor added that this is a large property with a large building. The building was originally Manhattan Shirt Company.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission forwarded a **FAVORABLE** recommendation to the Mayor and City Council for approval of the proposed Text Amendments as follows:

**TO AMEND SECTION 17.120, DEFINITIONS BY ADDING THE FOLLOWING: "MULTI-USE FACILITY"** – means two or more similar or different uses on a lot or parcel that are conducted in physically separate areas and permitted inherently or otherwise in the district in which located, provided that the lot or parcel and improvements thereon satisfy the total parking, lot area and other requirements of the uses; the facility shall not be deemed to be a shopping center; if the total floor area of the uses in which the principal activity is on-site retail sales does not exceed one-third of the gross floor area of the entire facility.

**TO AMEND SECTION 17.76.020A, PERMITTED USES, BY ADDING THE FOLLOWING:**

**32. MULTI-USE FACILITY.**

Mr. Taylor advised the Commission that they may be back in the future to revise some of the Light Industrial uses that go way back such as “carbon paper and ink ribbons.”



**#201800370 PUBLIC HEARING – ORDINANCE PERMIT – DAY CARE –** Dr. Brante Dashiell/La Petite Scholars Academy, LLC - 224 Phillip Morris Drive – Lt. Bus. and Institutional District - M-121, G-24, P-2578, L-U2

Mrs. Suzanne Ruark, Office of Child Care, and Ms. Denise Davis, the applicant’s mother came forward.

Mr. Henry Eure read the public notice and noted that the property had been posted. Mrs. Smith administered the oath.

Mr. Henry Eure presented the Staff Report and explained that Dr. Dashiell proposes establishment of a day care center in Philmore Commons. He described the surrounding area and zoning districts.

He explained the access to the property. The group day care center is proposed in Unit 300. The applicant proposes starting with 40 children but may expand to 85 children. The center can accommodate 97 children. A total of 4 teachers and 2 aides are proposed. He described the play area and the required screening. No difficulty is expected in obtaining licensing. He explained the required parking. This use requires less parking than is currently available at Philmore Commons. A loading and unloading space must be provided and there is existing landscaping.

Mr. Eure noted that the site has good access and Philmore Commons can accommodate the facility. The applicant is in the process of satisfying the Office of Child Care. The Staff recommended that the Commission forward a Favorable recommendation to the Mayor and City Council subject to two conditions:

**CONDITIONS OF APPROVAL:**

1. On-site signage for the day care center shall be in accordance with the Code limitations for the Light Business and Institutional District.
2. Minor plan amendments, in accordance with the Salisbury Municipal Code requirements, including outdoor play area fencing, be approved by the Staff of the Department of Infrastructure and Development.

Mrs. Ruark noted that she had been working with Dr. Dashiell for weeks. Dr. Dashiell was still working on how to configure the space. The space can accommodate almost 100 children but Dr. Dashiell has added office space so the number of children will be less. Some bathroom space will be added. She is working with the Office of Child Care regulations.

Ms. Davis noted that they were looking forward to the center opening and believed that it would be a benefit to the community.

Dr. McNaughton asked about the capacity and if it was not defined yet. M. Eure explained that the Code required a minimum amount of space per child. Mrs. Ruark added that their Code required 35 sq. ft. per child.

Mr. Eure added that a floor plan was needed.

Upon a motion by Mr. Rogers, seconded by Mr. Thomas, and duly carried, the Commission forwarded a FAVORABLE recommendation to the Mayor and City Council for approval of an Ordinance Permit for a Day Care Center in Philmore Commons, subject to the following Conditions:

**CONDITIONS OF APPROVAL:**

1. On-site signage for the day care center shall be in accordance with the Code limitations for the Light Business and Institutional District.
2. Minor plan amendments, in accordance with the Salisbury Municipal Code requirements, including outdoor play area fencing, be approved by the Staff of the Department of Infrastructure and Development.



**AGRICULTURAL LAND PRESERVATION EASEMENT APPLICATION – Simms – Quantico Road – 108.36 acres - M-27, P-p/o 46, G-10 (G. Smith)**

Mrs. Gloria Smith presented the Staff report and explained that Mr. & Mrs. Simms have submitted an application to sell an easement to the Maryland Agricultural Land Preservation Foundation. The property meets or exceeds the minimum requirements for size, location, and soil capabilities. She pointed out the maps that depict the locations of other easements on adjoining or nearby properties.

Dr. McNaughton asked about the impact on uses in the area. Mrs. Smith noted that studies have shown that open space properties make adjoining residential properties more valuable. People like knowing that adjoining properties will not be developed.

The Commission is asked to make a recommendation to the Wicomico County Council based on location in an Agricultural/Resource area as recommended by the Wicomico County Comprehensive Plan. The Staff recommended that a Favorable recommendation be forwarded to the Council.

Upon a motion by Mr. Rogers, seconded by Mr. Kilmer, and duly carried, the Commission forwarded a **Favorable** recommendation to the Wicomico County Council for the sale of a land preservation easement on the Simms property.



**DRAFT ORDINANCE** – Proposed Amendments to City Parking Standards – Chapter 17.196  
(A. Roane)

Ms. Anne Roane explained that the proposed revisions to the City Parking Standards were a priority of Mayor Day. She explained that information on how the proposed changes would affect specific projects had been included and cited Merritt Mill as an example.

She went on to explain that this is a draft. It was presented to the Council at a work session. The Council recommended submitting the draft to the Commission at a work session. The Commission may want to have a work session and apply the proposed standards to some specific examples.

Unfortunately, the proposed changes will not be retroactive. Ms. Roane went on to explain that the property that was the subject of the text amendment had an enormous parking area already. If this ordinance were in place, they would have to reduce the parking area.

The next step is to meet with commercial realtors and then bring the amendments back to the Commission for a public hearing in June or July. The amendments were presented to the Council at a work session. The purpose of the amendments is to reduce impervious surface and give the Commission more flexibility in reviewing projects.

Mr. Dashiell noted that the added context was helpful. It was good to see the impacts on specific projects.

Ms. Roane explained that for shopping centers, parking is designed for “Black Friday” and are otherwise never full. She discussed the minimum and maximum parking incentives.

Mr. Kilmer asked if the Glen Avenue project would be required to remove parking. Ms. Roane said remove and replace with landscaping.

There was discussion regarding the options to expand a facility and the approval sequence for the amendments.

Mr. Dashiell noted that the City was still seeking comments because this was a significant change.

Mr. Rogers noted that as a design professional, he was in favor of reducing paving.

Mr. Thomas asked what other areas were doing. Ms. Roane explained that they looked at national trends as well as about 12 communities on the Shore. They had looked at Berlin's requirements.

Mr. Kilmer asked about the maximums. Ms. Roane responded that it varied. Mr. Kilmer noted that he preferred minimum requirements and was concerned about maximum limits and required bike spaces.

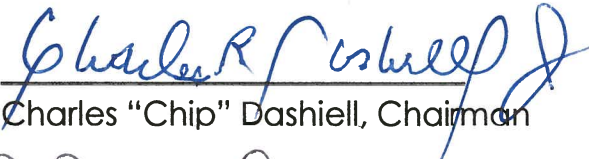
Dr. McNaughton noted that he was concerned about additional hoops to jump through for building expansions.



There being no further business, the Commission meeting was adjourned at 2:27 p.m. by Mr. Dashiell.



This is a summary of the proceedings of this meeting. Detailed information is in the permanent files of each case as presented and filed in the Salisbury-Wicomico County Department of Planning, Zoning, and Community Development Office.

  
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Charles "Chip" Dashiell, Chairman

  
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John F. Lenox, Director

  
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Recording Secretary